

## **REMARKS**

### **A. Status of the Claims**

Claims 1-29, 40-72, and 82-84 were examined prior to issuance of the final Office Action. Claim 1 has been amended to distinguish the cited patents to Ward, Eisenberg, Misener and Horton, and for no other reason. Claim 5 has been amended to correct an inadvertent typographical error; the claim has not been narrowed. Claims 21, 24-29, 52, 53 and 72 have been canceled (without prejudice) to address the Office's concern about the drawings. Claims 30-39 and 73-81 have been canceled because they are drawn to non-elected Groups. No claims have been added. Thus, upon entry of the requested amendments, claims 1-20, 22, 23, 40-51, 54-72 and 82-84 will be pending.

### **B. The Drawings Objection Is Overcome**

The Office states that the claimed fourth, fifth, and sixth legs, and their corresponding braces must be illustrated in order to comply with Rule 1.83(a). Applicant respectfully disagrees with this assessment, but has canceled claims 21, 24-29, 52, 53 and 72, which relate to those features, in order to expedite prosecution. Applicant reserves the right to prosecute these canceled claims at a later time, and to argue that the Office's position is improper at that time.

### **C. Claims 1-7, 10-20, 22, 23, 40-45, 48-51, 54-60, 62-71 and 82-84 Are Patentable over Sarno**

The Office rejects claims 1-7, 10-20, 22, 23, 40-45, 48-51, 54-60, 62-71 and 82-84 (claims 21, 24-29, 52, 53, and 72 have been cancelled) as being anticipated by U.S. Patent No. 3,697,048 to Sarno (Sarno). Applicant respectfully traverses.

### 1. Independent Claim 1

Claim 1 is directed to a system useful in stabilizing a vessel. The vessel includes a first leg, a second leg, a third leg, and a platform coupled to the first, second, and third legs such that the platform may be raised or lowered along the first, second and third legs. The amendment specifying that the platform may be raised or lowered along the first, second and third legs was added for the sole purpose of distinguishing Ward, Eisenberg, Misener and Horton, and for no other reason. The system of claim 1 includes a first brace that is coupled to the first leg at a first location along the first brace. The first brace forms an acute angle with the first leg. An anchoring structure is coupled to the first brace at a second location along the first brace. The first and second locations define a first brace length between them, and at least a portion of that first brace length is located directly beneath the platform.

Sarno fails to disclose or suggest the platform recited in claim 1. The Office is permitted to give claim terms their broadest reasonable interpretation that is **consistent with the specification**. MPEP § 2111 at page 2100-46. “The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.” *Id.* at 2100-47. Nothing in Applicant’s specification suggests that the term “platform” may be interpreted broadly enough to encompass Sarno’s two “transverse bar[s] or beam[s]” 23 and 24. *See* Sarno at col. 2, lines 36-37. Furthermore, the Office points to no evidence establishing that one of ordinary skill in the art would read the term “platform” broadly enough to encompass Sarno’s two transverse beams 23 and 24.

Accordingly, Applicant respectfully requests that this Sarno anticipation rejection be withdrawn. If the Office decides to maintain the rejection, Applicant requests that the Examiner provide an affidavit or declaration under 37 C.F.R. § 1.104(d)(2) setting forth specific factual

support for the Office's conclusion that those of ordinary skill in the art would interpret the term "platform" broadly enough to encompass Sarno's two transverse beams 23 and 24.

## **2. Independent Claim 40**

Claim 40 is directed to a vessel. The vessel includes a platform; three legs coupled to the platform such that the platform may be raised or lowered along the three legs; a flexible brace coupled to each of the three legs at a first location along each flexible brace, each flexible brace forming an acute angle with its respective leg; and an anchoring structure coupled to each flexible brace at a second location along each flexible brace, the first and second locations along each flexible brace defining a flexible brace length between them. At least a portion of each flexible brace length is located directly beneath the platform.

Sarno fails to disclose a platform as explained above. Furthermore, Sarno fails to disclose the claims braces. Nothing in Sarno states or suggests that angled struts 28 and connecting struts 29 are flexible. Furthermore, those struts are not **necessarily** flexible, so any reliance on the doctrine of inherent anticipation is improper. *See* MPEP § 2112 at 2100-52. There is no support in Sarno for the Office's statement that "[t]he braces are considered to be flexible."

Accordingly, Applicant respectfully requests that this Sarno anticipation rejection be withdrawn.

## **3. Independent Claim 54**

Claim 54 is directed to a method useful in stabilizing a vessel that has a platform and three or more legs coupled to the platform such that the platform may be raised or lowered along the legs. The method includes coupling a first brace to one of the legs; orienting the first brace at

an acute angle with the leg to which it is coupled; and positioning at least a portion of the first brace directly beneath the platform.

Claim 54 is novel over Sarno for at least the same reasons as claim 1. Accordingly, Applicant respectfully requests that this Sarno anticipation rejection be withdrawn.

#### **4. Independent Claim 84**

Claim 84 is directed to a vessel. The vessel includes a platform; three legs coupled to the platform such that the platform may be raised or lowered along the three legs; a footing structure coupled to an end of one of the legs; and a flexible brace coupled at two different locations to the leg with the footing structure. The flexible brace forms an acute angle with that leg. One of the two claimed locations is on the footing structure.

Sarno fails to disclose a platform as explained above. Furthermore, Sarno fails to disclose a flexible brace as explained above. Sarno also fails to disclose any brace that is coupled at two different locations to the same leg. Accordingly, Applicant respectfully requests that this Sarno anticipation rejection be withdrawn.

#### **D. Claims 1-7 and 10-29 Are Patentable over Ward**

The Office rejects claims 1-7 and 10-29 as being anticipated by U.S. Patent No. 3,093,972 to Ward, Jr. (Ward). Applicant respectfully traverses.

The Office points to FIG. 5 of Ward as support for its rejection of independent claim 1, but offers no other explanation of its rejection. FIG. 5 of Ward illustrates what Ward considers to be “a perspective view of the invention.” Col. 1, line 62. Specifically, FIG. 5 illustrates a generally cubic framework A that, after pontoons B have been added, may be towed to a desired off-shore location and lowered. *See, e.g.*, col. 2, lines 39-51; *see also* col. 4, line 75 – col. 5, line 17. Then, piles C of that appear to be coupled to platform-defining means D may be pivotally

coupled to the outer columns of framework A. Col. 4, lines 49-65. The platform defining means D may then be raised or lowered along piles C. Col. 4, lines 66-74. When the use of platform defining means D is complete, piles C are disengaged from framework A; moved out of the way; and framework may be raised off the ocean floor and towed away. Col. 5, lines 48-71.

Framework A does not possess a platform coupled to at least three legs such that the platform may be raised or lowered along the legs, as recited by amended claim 1. Framework A is a static structure, as Ward clearly explains. Accordingly, the Ward rejection should be withdrawn.

**E. Claims 1-7 and 10-29 Are Patentable over Eisenberg**

The Office rejects claims 1-7 and 10-29 as being anticipated by U.S. Patent No. 4,575,975 to Eisenberg (Eisenberg). Applicant respectfully traverses.

Eisenberg does not disclose a platform coupled to at least three legs such that the platform may be raised or lowered **along** the legs, as recited by amended claim 1. While Eisenberg discloses a platform 2 (shown in broken lines in FIG. 1), that platform cannot be raised and lowered **along** Y-scissors 3, 4, 5 and 6. Instead, those Y-scissors may collapse and lower the height of the platform as a result. However, the platform stays positioned above the Y-scissors and does not move **along** them. Accordingly, the Eisenberg rejection should be withdrawn.

**F. Claims 1-7 and 10-29 Are Patentable over Misener**

The Office rejects claims 1-7 and 10-29 as being anticipated by U.S. Patent No. 4,349,297 to Misener (Misener). Applicant respectfully traverses.

Misener does not disclose a platform coupled to at least three legs such that the platform may be raised or lowered **along** the legs, as recited by amended claim 1. While Misener discloses a series of plastic planks 16 and telescoping stanchions 10, those plastic planks cannot

be raised and lowered **along** the telescoping stanchions. Instead, the upper leg members 26 may slide down over legs 22 of the telescoping stanchions 10, lowering the height of plastic planks 16 as a result. However, those planks stay positioned above the stanchions and do not move **along** them. Accordingly, the Misener rejection should be withdrawn.

**G. Claims 1-7 and 10-29 Are Patentable over Horton**

The Office rejects claims 1-7 and 10-29 as being anticipated by U.S. Patent No. 4,492,270 to Horton (Horton). Applicant respectfully traverses.

Horton does not disclose a platform coupled to at least three legs such that the platform may be raised or lowered along the legs, as recited by amended claim 1. The Office points to FIGS. 6 and 7 of Horton, but those figures do not teach a platform that is coupled to and movable along at least 3 legs. Furthermore, while base 11 of drilling unit 10 is movable along legs 12 (see FIG. 1), there is no brace that is coupled to -- and that forms an acute angle with -- one of those legs. Drilling unit 10 is nothing more than the prior art jack-up platforms that Applicant already distinguished in the background of the specification. *See* Applicant's specification at page 2, line 11 to page 3, line 3. Accordingly, the Horton rejection should be withdrawn.

**H. Claims 8, 9, 46, 47 and 61 Are Patentable over the Asserted Combination of Sarno and Tatsuguchi**

The Office rejects claims 8, 9, 46, 47 and 61 as being obvious over Sarno in view of U.S. Patent No. 4,662,787 to Tatsuguchi (Tatsuguchi). Applicant respectfully traverses.

**a. Claims 8 and 9**

Sarno fails to anticipate either independent claim 1 or independent claim 40 because it fails to teach a platform as recited in those claims. While Tatsuguchi teaches such a platform,

there is no motivation for combining Tatsuguchi with Sarno. Thus, claims 8 and 9, which depend from claim 1, are patentable over the Office's asserted combination.

Moreover, claim 8 requires that one or more racks be secured to the first leg, and that the anchoring structure that is coupled to the claimed first brace include a holding rack that is configured to engage one of the one or more racks. While Tatsuguchi discloses racks 3 mounted to a leg chord 2 and two lock bodies 8 (see FIG. 2) that each have teeth configured to engage one of the racks, there is no brace that is secured to either of lock bodies 8, as required by claim 8. Thus, at least the anchoring structure limitation of claim 8 is completely missing from the asserted combination of Sarno and Tatsuguchi. Furthermore, neither reference suggests the desirability – much less the feasibility – of coupling one of Sarno's struts 28 or 29 to one of Tatsuguchi's lock bodies 8. Thus, there is no motivation for such a combination, nor is there a reasonable expectation of success that such a combination would work. For these additional reasons, claim 8 is patentable over the Office's asserted combination of Sarno and Tatsuguchi.

Claim 9 specifies that the anchoring structure recited in claim 1 – to which the claimed first brace must be coupled – includes a ring that is coupled to the platform and that has a holding rack configured to engage one or more racks that are secured to the first leg. Neither cited reference teaches such a ring. Tatsuguchi teaches 2 lock bodies 8 (see FIG. 2), but it does not teach or suggest a ring, as required by claim 9. Thus, the anchoring structure limitation of claim 9 is completely missing from the asserted combination of Sarno and Tatsuguchi. Furthermore, for the same reasons provided above with respect to claim 8, there is no motivation for combining Sarno and Tatsuguchi. Accordingly, claim 9 is patentable over the Office's asserted combination, and that obviousness rejection should be withdrawn.

**b. Claims 46 and 47**

For the same reasons given above with respect to claims 8 and 9, claims 46 and 47 are patentable over the Office's asserted combination of Sarno and Tatsuguchi, and those obviousness rejections should be withdrawn.

**c. Claim 61**

For at least the same reasons given above with respect to claim 9, claim 61 is patentable over the Office's asserted combination of Sarno and Tatsuguchi, and that obviousness rejections should be withdrawn.

**I. Arguments Reserved for Dependent Claims**

Each of the present dependent claims is patentable over the cited art for at least the reasons that their respective independent claims are patentable. Applicants reserve the right to provide additional arguments in support of the patentability of the present dependent claims should doing so become necessary. Applicants do not acquiesce to any of the Office's arguments or statements concerning the patentability of the present dependent claims.

**J. Petition for Extension of Time**

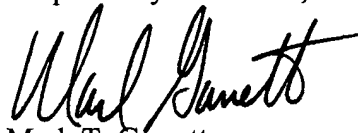
Pursuant to 37 C.F.R. § 1.136(a), Applicant petitions for an extension of time of three months up to and including February 27, 2004 in which to respond to the final Office Action dated August 27, 2003. The Commissioner is authorized to deduct the process fee for this three-month extension of time, along with any additional fees under 37 C.F.R. §§ 1.16 to 1.21 required for any reason relating to the enclosed materials, from Fulbright & Jaworski Deposit Account No.: 50-1212/DGSN:002US/MTG.



**K. Conclusion**

These remarks fully respond to all outstanding matters for this application. Applicant respectfully requests that the Office withdraw the current rejections and allow pending claims 1-20, 22, 23, 40-51, 54-72 and 82-84. Should the Examiner desire to discuss this application in more detail by telephone, or if any additional concerns remain, the undersigned attorney may be reached at 512-536-3031 (voice), 512-536-4598 (fax), or by email at [mgarrett@fulbright.com](mailto:mgarrett@fulbright.com).

Respectfully submitted,



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